

**Notice of Allowability**

Application No.

10/057,262

Examiner

Anton B Harris

Applicant(s)

CARNAHAN, DAVID L.

Art Unit

2831

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 November 2004.
2. ☒ The allowed claim(s) is/are 1-13, 19, 20, 24, 28-34, 42 and 43.
3. ☒ The drawings filed on 25 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35.U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 23 December 2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**ANTHONY DINKINS  
PRIMARY EXAMINER**

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Pandiscio on 23 December 2004.

The application has been amended as follows:

- Claims 35-41 are canceled.
2. Claims 13-18 are canceled.

### *Allowable Subject Matter*

3. Claims 1-~~14~~<sup>12</sup>, 19, 20, 24, 28-34, 42, and 43 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The limitations found in claims 1-~~14~~<sup>12</sup>, 19, 20, 24, 28-30, 42, and 43 are neither disclosed nor taught by the prior art of record, alone or in combination. The prior art of record does not disclose the limitations of a substrate, at least three elongate electrically conductive grasping elements each having first and second opposite ends with said first ends attached to the substrate and making electrical connections with an alternating current source and the second ends

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projecting outwardly away from the substrate, whereby said second ends are free to be attracted or repelled relative to one another in response to application of alternating current to said elements in combination with the other limitations recited in claim 1.

The limitations found in claims 31-33 are neither disclosed nor taught by the prior art of record, alone or in combination. The prior art of record does not disclose the limitations of a substrate, three elongate, fibrous, electrically conductive grasping elements projecting outwardly away from the substrate, an oscillating voltage to each of the three elongate, fibrous, electrically conductive grasping elements, whereby to cause the free ends of electrically conductive grasping elements to be attracted or repelled relative to one another in combination with the other limitations recited in claim 31.

The limitations found in claim 34 are neither disclosed nor taught by the prior art of record, alone or in combination. The prior art of record does not disclose the limitations of a substrate, three fibrous electrically conductive grasping elements having first ends and second ends in electrical connection with separate electrodes on the substrate and the second ends projecting outwardly from the substrate, and an alternating current source in electrical connection with the separate electrodes on the substrate, each of said grasping elements separated from one another by a gap in combination with the other limitations recited in claim 34.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

5/12/05

A handwritten signature in black ink, appearing to read "Anthony Dinkins". The signature is fluid and cursive, with a large loop at the end of the last name.

**ANTHONY DINKINS  
PRIMARY EXAMINER**